

## REMARKS

Applicant thanks the Examiner for taking time to discuss the outstanding Office Action on May 3, 2007 with applicant's attorney, Fred Hernandez. In accordance with that discussion, and in view of the present remarks, reconsideration of the rejections set forth in the Office Action dated March 28, 2007 is respectfully requested.

As discussed during the interview, claims 1 and 22 have been amended. New claims 27 and 28 have been added to the application. New claims 27 and 28 are identical to claims 1 and 22, respectively, prior to amendment of those claims. No new matter has been added.

### **REJECTION OF CLAIMS 1-3, 6-8, AND 22-25 UNDER 35 U.S.C. §102(b)**

Claims 1-3, 6-8, and 22-25 are rejected under 35 U.S.C. §102(b) as allegedly being allegedly anticipated by U.S. Patent No. 5,443,505 to Wong. However, the claims recite several features that are not taught or suggested by Wong. For example, as discussed during the interview, Wong fails to teach or suggest a drainage tube with an internal lumen that opens opening into the suprachoroidal space and onto the plate near one end and that opens into the anterior chamber when implanted into the eye at its other end, as recited in claim 1. Wong also fails to teach or suggest a fluid drainage tube having an internal lumen wherein a first end of the lumen of the drainage tube opens into the suprachoroidal space and a second end of the lumen of the drainage tube opens into the anterior chamber when implanted into the eye, as recited in claim 22.

As discussed with the examiner, Wong fails to teach or suggest a drainage tube with an internal lumen. Nor does Wong teach or suggest a drainage tube that opens into the anterior chamber. In view of the foregoing, applicant respectfully submits that claims 1 and 22 recite features that are neither taught or suggested by Wong. Claims 2-3, 6-8, and 23-25 all depend from claim 1 or 22 and are patentable over the prior art for at least those reasons articulated with respect to claims 1 and 22, as well as on their own merit.

#### **REJECTION OF CLAIMS 4, 5, 9, AND 26 UNDER 35 U.S.C. §103**

Claims 4, 5, 9, and 26 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Wong in view of U.S. Patent No. 6,589,203 to Mitrev. Claims 4, 5, and 9 depend from claim 1 and claim 26 depends from claim 22. As discussed above, claims 1 and 22 recite features that are not taught or suggested by Wong. Claims 4, 5, 9 and 26 are patentable based on their dependency on claims 1 or 22 as well as on their own merit.

#### **NEW CLAIMS**

As discussed above, new claims 27 and 28 are identical to claims 1 and 22, respectively, prior to amendment of those claims. Wong fails to teach or suggest the subject matter of new claims 27 and 28. For example, Claim 1 recites that the drainage tube opens into the suprachoroidal space and onto the plate near one end and opens to the anterior chamber when implanted into the eye at its other end. Claim 22 recites that the first end of the drainage tube opens into the suprachoroidal space and a second end

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of the drainage tube opens into the anterior chamber when implanted into the eye.

Wong fails to teach or suggest a drainage tube that opens into anterior chamber.

In view of the foregoing, applicant respectfully submits that the claims 27 and 28 are in condition for allowance.

## CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In view of the above amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,



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Date: May 15, 2007

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